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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,375	08/29/2000	Curtis Wong	MS150957.1	8539

27195   7590   05/05/2005

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EXAMINER
HUYNH, SON P

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>21 March 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   > Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-67*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

CHRIS GRANT
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues Ellis does not teach or suggest the "server is programmed to provide at least one token to a remote computer based on received selection criteria"- page 2, paragraph 4; "a token having a system unique identifier for identifying a predetermined at least one of an audio and visual program" (page 4, paragraph 3, lines 4-5).

In response, Examiner respectfully disagrees. Ellis discloses program information (e.g., reminder information, listing information, recording information, message information, status information, parental control information, user information, favorites settings, or any other information necessarily for remotely providing program guide functionality) (page 28, lines 7-17) is stored in program guide server which is located at main facility or television distribution facility (page 12, line 23-page 13, line 10). The program guide information is transmitted to remote program guide access device (or user television equipment) continuously, periodically, using a client-server based approach, using a polling scheme, or using any other suitable approach (page 10, line 15-page 12, line 21) via a communication device such as communication port, modem, network interface card, etc. (page 14, lines 1-13). The program listings data comprises program times, channels, titles, descriptions, pay per view information, etc. (page 9, lines 15-30). The user also sends requests to television distribution facility to access a number of program guide features such as accessing program guide, scheduling reminders for programs, setting parental control settings, scheduling program recordings, or any other program guide functions. The television distribution facility provides program information such as a reminder message, a program recording information, etc. to the user device based on the selection received from the user (page 30, lines 1-15; page 31, line 7-page 32, line 23; page 34, line 24-page 40, line 26). Therefore, the claimed feature of "each token having a system unique identifier for identifying a predetermined at least one of an audio and visual program" is broadly met by each program guide information having a program title, a program description, etc. identifying at least one of an audio and visual program; the claimed feature of "wherein the server is programmed to provide at least one token to a remote computer based on received selection criteria." is broadly met by the main facility/television distribution facility is programmed to provide at least one of program guide information (i.e., information of program scheduled for recording) to remote program guide device (24) or user television equipment (22) based on received selection criteria (i.e., received request for scheduling program for recording, reminder, etc.)

Applicant further argues Ellis does not teach of suggest "the server being operable to communicate program data, based on the token, to a programmable recording system." (page 3, paragraph 2, lines 4-5).

In response, examiner respectfully disagrees. Ellis discloses the user sends request to access program guide functions as discussed above. In response to the received request (i.e., request to schedule a program to be recorded), the television distribution facility communicates program content of program scheduled to be recorded to a predetermined recording device (e.g. digital storage device 31), based on the program information of program scheduled to be recorded (page 55, lines 1-24). Therefore, the feature of "the server being operable to communicate program data, based on the token, to a programmable recording system" is broadly met by the television distribution facility provides program content of program scheduled to be recorded, based on program information, to a predetermined storage device for recording.

Applicant additionally argues neither Ellis nor Knudson teach or suggest the use of unique identifying tokens for programming a recording system (page 4, paragraph 5, line 8-page 5, line 1).

In response, Ellis discloses using program guide information such as program title, program channel, program description, etc. to schedule a program to be recorded (page 25, line 25, page 26, line 6; page 28, lines 7-17; page 30, lines 1-15; page 33, line 31-page 34, line 8). Thus, the claimed feature of using unique identifying tokens for programming of a recording system is broadly met by the use of program guide information for programming of a storage device for recording a scheduled program.

Applicant further argues Knudson does not disclose the claimed limitation of "a server programmed to provide at least one token to a remote computer based on received selection criteria."

In response, this claimed limitation is already taught by Ellis as discussed above.

For the reasons given above, rejections on claims 1-67 are maintained as discussed in the final office action mailed on 02/10/2005.